

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)	CASE NOS. CR03-3089, CR03-3090, CR03-3091
VERSUS)	
LEE BOYD MALVO a/k/a)	INDICTMENT - CAPITAL MURDER (2
John Lee Malvo		Counts) and USING A FIREARM IN THE
		COMMISSION OF A FELONY

JURY TRIAL – Day 27

On December 23, 2003, Robert F. Horan, Jr., the Commonwealth's Attorney, Raymond Morrogh, the Deputy Commonwealth's Attorney, LEE BOYD MALVO a/k/a John Lee Malvo, the Defendant, and Michael Arif and Craig Cooley, co-counsel for the Defendant, appeared before this Court. The Defendant is indicted for the felonies of CAPITAL MURDER (2 Counts) and USING A FIREARM IN THE COMMISSION OF A FELONY and he appeared while in custody.

The Jury reconvened and continued its deliberations.

After some time, the Jury returned to Court and rendered the following verdicts:

“We, the Jury, on the issue joined in the case of the Commonwealth of Virginia versus Lee Boyd Malvo, Defendant, having found the Defendant guilty of CAPITAL MURDER of Linda Franklin in the commission or attempted commission of an act of terrorism, having found unanimously and beyond a reasonable doubt after consideration of his history and background that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society

and

having found unanimously and beyond a reasonable doubt that his conduct in committing the offense was outrageously or wantonly vile, horrible, or inhuman in that it involved depravity of mind;

and

having considered all the evidence in aggravation and mitigation of the offense, as charged in Count I of the indictment, fix his punishment at: imprisonment for life and a fine of \$ 100,000.00.”

/S/

Foreperson

"We, the Jury, on the issue joined in the case of the Commonwealth of Virginia versus Lee Boyd Malvo, Defendant, having found the Defendant guilty of CAPITAL MURDER (killing more than one person within a three-year period), having found unanimously and beyond a reasonable doubt after consideration of his history and background that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society

and

having found unanimously and beyond a reasonable doubt that his conduct in committing the offense was outrageously or wantonly vile, horrible, or inhuman in that it involved depravity of mind;

and

having considered all the evidence in aggravation and mitigation of the offense, as charged in Count II of the indictment, fix his punishment at: imprisonment for life and a fine of \$ 100,000.00."

/S/

Foreperson

The Jury was discharged.

In accordance with the verdict rendered by the Jury, the Court found the Defendant, LEE BOYD MALVO a/k/a John Lee Malvo, guilty of CAPITAL MURDER, in the commission of or attempted commission of an act of terrorism, and guilty of CAPITAL MURDER, killing more than one person within a three-year period, as charged.

The Court referred this case to the Probation Officer for investigation and report before sentencing. This case was continued to March 10, 2004 at 10:00 a.m., for sentencing.

The Court **ORDERED** that the Defendant's bond be revoked.

The Defendant was remanded to the custody of the Sheriff.

Entered on December 23, 2003.

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JANE MARUM ROUSH
JUDGE DESIGNATE